

Translation

PATENT COOPERATION TREATY

PCT/EP2003/012649



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 11477/X-BA/MF	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/012649	International filing date (day/month/year) 12 November 2003 (12.11.2003)	Priority date (day/month/year) 12 November 2002 (12.11.2002)
International Patent Classification (IPC) or national classification and IPC G09F 3/02		
Applicant HAUNI MASCHINENBAU AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 09 June 2004 (09.06.2004)	Date of completion of this report 21 July 2004 (21.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/012649

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-11 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 1-24 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/3-3/3 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/12649

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1, 9, 14, 16, 17	YES
	Claims		NO
Inventive step (IS)	Claims	1, 9, 14, 16, 17	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 9, 14, 16, 17	YES
	Claims		NO

2. Citations and explanations

1). Reference is made to the following documents:

D1: DE 101 00 248 A (FOCKE & CO) 11 July 2002 (2002-07-11)

D2: WO 01/43110 A (BOEGLI GRAVURES S A; BOEGLI CHARLES (CH)) 14 June 2001 (2001-06-14).

2). The invention concerns a method and a device for identifying a package filled in particular with cigarettes, as well as the package itself. The aim of the invention is to permit the clear and unambiguous marking, and therefore identification, of the package and hence to make it possible to reliably verify the authenticity thereof.

2.1) The problem is solved by the essential features according to which a property that is characteristic of the package element/wrapping is determined as a measurement variable when the package is manufactured and the measurement variable is stored with a further code so as to form a unique data record. Thereafter, a package can be clearly marked by assigning the encoding to the measurement variable such that for every package a unique date

record is produced. An essential advantage thereof is that the characteristics peculiar to each package can be used for identifying same.

3). Claims 1, 9, 14, 16 and 17

The method according to document D1 provides that an encoded code consisting of figures and/or letters and usually generated from production data is applied to the package and for control purposes compared with the stored production data. Document D1 does not disclose the essential, characterizing method steps of the independent claims, according to which a property that is characteristic of the package element/wrapping is determined as a measurement variable when the package is manufactured and the measurement variable is stored with a further code so as to produce a unique data record. Document D2 is even further removed from the invention.

Other observations:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.